

**To:** Kirk Shermer[Kirk@snowdenenterprises.com]  
**Cc:** Watanabe, Allison[Watanabe.Allison@epa.gov]; Janelle Kay[Janelle@PyxisRC.com]  
**From:** Alkon, Margaret  
**Sent:** Tue 5/10/2016 3:21:59 PM  
**Subject:** RE: Settlement Document RE: Snowden - EPA Civil Administrative Penalty Enforcement Case

Dear Mr. Shermer:

Thank you for your email. This is to confirm that signing and returning the settlement document at the end of May is acceptable. If no product is being distributed or sold without being labeled correctly, I'm not clear on the issue with signing the settlement document now, but we very much do want respondents to take the certification of compliance seriously and we can work with the timeframe you are proposing.

Please let me know when you have signed the document. I will put a calendar tickler to check with you if I don't hear from you by the end of May.

Sincerely,

Margaret Alkon

**From:** Kirk Shermer [mailto:Kirk@snowdenenterprises.com]  
**Sent:** Wednesday, May 04, 2016 10:35 AM  
**To:** Alkon, Margaret <Alkon.Margaret@epa.gov>  
**Cc:** Watanabe, Allison <Watanabe.Allison@epa.gov>; Janelle Kay <Janelle@PyxisRC.com>; Kirk Shermer <Kirk@snowdenenterprises.com>  
**Subject:** RE: Settlement Document RE: Snowden - EPA Civil Administrative Penalty Enforcement Case

Dear Ms. Alkon,

Thank you for the email with the detailed instructions and final settlement document. We have

no questions or concerns with the document. However, we only just recently received the final labels to affix to our cylinders and we are working as diligently as possible to relabel the cylinders to be in full compliance. We would like to ensure that all of our cylinders are properly labeled prior to signing the CAFO. We anticipate this process will be complete by the end of the month. Rest assured, no product is being sold or distributed unless it is labeled as described in Janelle Kay's email of April 14, 2016. Please contact me immediately if you foresee any problems with us signing the CAFO after we have ensured that all cylinders are in full compliance.

Regards,

Kirk

Kirk Shermer

Snowden Enterprises, Inc.

Phone  
Cell  
Fax  
Email

(559) 237-5546

**Ex. 6 - Personal Privacy**

(559) 237-6383

[kirk@snowdenenterprises.com](mailto:kirk@snowdenenterprises.com)

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**From:** Alkon, Margaret [<mailto:Alkon.Margaret@epa.gov>]

**Sent:** Thursday, April 28, 2016 4:00 PM

**To:** Kirk Shermer <[Kirk@snowdenenterprises.com](mailto:Kirk@snowdenenterprises.com)>

**Cc:** Watanabe, Allison <[Watanabe.Allison@epa.gov](mailto:Watanabe.Allison@epa.gov)>; Janelle Kay <[Janelle@PyxisRC.com](mailto:Janelle@PyxisRC.com)>

**Subject:** Settlement Document RE: Snowden - EPA Civil Administrative Penalty Enforcement Case

Dear Mr. Shermer:

Thank you for the information about gross revenue. Attached is a settlement document with the penalty reduced to reflect the information you provided confirming that Snowden is in the Category II size of business, and with a maximum cooperation discount. The penalty is \$34,320.

Please review the document and let me know if you have any questions.

Signing instructions:

1. Print the document. The signature page must be printed single-sided - we cannot file double-sided settlement documents.
2. Have an official (who is authorized sign on behalf of Snowden Enterprises) sign the settlement document.
3. I appreciate getting a pdf copy of the document emailed to me, so we can start our routing process.
4. Mail the "wet ink" settlement document to me at the address below. Let me know if you send it regular or express mail.

Margaret Alkon

Assistant Regional Counsel (ORC-2)

U.S. EPA, Region IX

75 Hawthorne St.

San Francisco, CA 94105

Once I receive the settlement document I start preparing our settlement package with the case team recommendation regarding settlement.

EPA has not accepted the settlement until the authorized EPA official has signed.

After the EPA official signs the consent agreement, we submit the settlement document to the Regional Hearing Clerk for signature of the Final Order by the Regional Judicial Officer. After the Regional Judicial Officer signs the Final Order, then the Regional Hearing Clerk files the original Consent Agreement and Final Order and sends both parties a copy of the filed document. We will be giving the Regional Hearing Clerk the same address we used for our Show Cause letter:

Kirk Shermer

President, Snowden Enterprises, Inc.

3257 East Central Avenue

Fresno, CA 93725

The penalty must be paid by following the instructions in the settlement document, and the thirty day clock for payment starts the day that the Regional Hearing Clerk files the signed Consent Agreement and Final Order and sends both parties a copy of the filed document. Your official notice comes from the Regional Hearing Clerk.

Let me know if you have any questions about the attached document or our settlement process.

Sincerely,

Margaret Alkon